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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

HI-DESERT COUNTY WATER)	
DISTRICT,)	
)	
Plaintiff,)	No. 172103
)	
v.)	JUDGMENT
)	
YUCCA WATER COMPANY, LTD.,)	
et al.,)	
)	
Defendants.)	
)	

I. INTRODUCTION

1. Pleadings, Parties and Jurisdiction. The complaint herein was filed on July 1, 1976, seeking an adjudication of all or substantially all water rights within Warren Valley Basin. Substantially all defendants have appeared herein, the defaults of certain defendants have been entered, and certain other defendants dismissed. By answers and order of this Court, the issues have been made those of a full inter se adjudication of water rights in and to the waters of Warren Valley Basin. This Court has jurisdiction of the subject matter of this action and of the parties.

2. Stipulation for Judgment. Stipulation for entry of

APPENDIX "A"

1 judgment has been filed by and on behalf of a majority of the
2 parties, representing a majority of the quantitative rights herein
3 adjudicated.

4 3. Findings and Conclusions. Trial was had on _____,
5 1977, as to the non-stipulating parties, and findings of fact and
6 conclusions of law have been entered.

7 4. Exhibits. The following exhibits are attached to this
8 Judgment and made a part hereof:

9 "A" -- "General Location Map of Warren Valley Basin"
10 showing relevant geographic, hydrologic and geologic features.

11 "B" -- "Well Location Map" showing the location and
12 ownership of all wells in Warren Valley Basin, and related
13 geographic and political features.

14 5. Definitions. As used in this Judgment, the following
15 terms shall have the following meanings:

16 (a) Annual or Year -- A calendar year, unless the
17 context shall indicate a contrary meaning.

18 (b) Blue Skies -- Blue Skies Country Club.

19 (c) District -- Hi-Desert County Water District.

20 (d) Ground Water -- Water beneath the surface of the
21 ground and within the zone of saturation, i.e., below the
22 existing water table.

23 (e) Ground Water Basin -- An area underlain by one or
24 more permeable formations capable of furnishing substantial
25 water storage.

26 (f) Minimal Pumper -- Any pumper whose right and pro-
27 duction do not exceed one acre-foot per year.

28 (g) Native Safe Yield -- The long-term average annual

1 net native supply of water to the Basin under cultural
2 conditions of a particular year.

3 (h) Overdraft -- A condition wherein the total annual
4 production from the Basin exceeds the native safe yield
5 thereof.

6 (i) Produce or Producing -- The extraction of ground
7 water by pumping or any other method.

8 (j) Producer -- Any person who pumps water from Warren
9 Valley Basin.

10 (k) Production -- Annual quantity of water pumped by a
11 producer, stated in acre feet.

12 (l) Supplemental Water -- Water imported from outside
13 the watershed of Warren Valley Basin.

14 (m) Utility -- Yucca Water Company, Ltd.

15 (n) Warren Valley Basin or Basin -- The ground water
16 basin underlying the area shown as such on Exhibits "A"
17 and "B".

18
19 II. DECLARATION

20 A. HYDROLOGIC CIRCUMSTANCES

21 6. Warren Valley Basin. Warren Valley Basin is a small
22 desert ground water basin bounded on the north by the San
23 Bernardino Mountains and the Pinto Mountain Fault, on the east by
24 the Yucca Barrier, on the south by the Little San Bernardino
25 Mountains and on the west by a natural topographic and ground
26 water divide. The Basin contains a substantial quantity of ground
27 water in storage. Average annual recharge and replenishment does
28 not exceed 200 acre feet per year from precipitation on the Basin

1 and runoff from the limited watershed surrounding. The surface
2 area of Warren Valley Basin is approximately 6,400 acres.

3 7. Common Source of Supply. Warren Valley Basin constitutes
4 a common source of supply of water for lands overlying said Basin.
5 With the exception of irrigation use on its golf course by Blue
6 Skies, all use of water from the Basin is for domestic and municipi-
7 pal purposes. There is no commercial agricultural or industrial
8 use of water from the Basin.

9 8. Native Safe Yield and Overdraft. The native safe yield
10 of Warren Valley Basin is approximately 200 acre feet per year.
11 Present net consumptive use of Basin waters exceed substantially
12 said Native Safe Yield. The basin is, and has been for more than
13 five years in a condition of overdraft. It is presently estimated
14 that ground water supplies of the Basin will supply the needs of
15 its projected population only until about the year 1985. Supple-
16 mental water will, accordingly, be required to meet water demands
17 of the Basin in future years.

18 9. Prescription. The taking of water by the parties hereto
19 has been open, notorious, continuous and under claim of right for
20 more than five years. Said condition of overdraft of Warren
21 Valley Basin has been a matter of common knowledge and all parties
22 and overlying property owners have had notice of said condition
23 during said period of years.

24 B. WATER RIGHTS

25 10. Overlying Rights. The following parties own lands
26 overlying Warren Valley Basin, and by reason of production of
27 water from the Basin during the period 1970-1975, each said party
28 has preserved by self help the overlying right to produce up to

1 the quantity of water herein set forth:

2	<u>Name</u>	<u>Overlying Right</u>	<u>Nature of Use</u>
3	Blue Skies	585 acre feet/year	Golf Course
4	Angelina Boveri	1 acre foot/year	Domestic - Minimal
5	John Boveri	1 acre foot/year	Domestic - Minimal
6	Judith G. Buchanan	1 acre foot/year	Domestic - Minimal
7	Elmer F. Cloe	1 acre foot/year	Domestic - Minimal
8	Marjorie L. Cloe	1 acre foot/year	Domestic - Minimal
9	Emma L. Ford	1 acre foot/year	Domestic - Minimal
10	Raymond M. Ford	1 acre foot/year	Domestic - Minimal
11	Robert S. Forsyth	1 acre foot/year	Domestic - Minimal
12	Kate Hamilton	1 acre foot/year	Domestic - Minimal
13	Howard Heard	1 acre foot/year	Domestic - Minimal
14	Agnes Lasley	1 acre foot/year	Domestic - Minimal
15	Albert B. Machado	1 acre foot/year	Domestic - Minimal
16	Alma Nuckolls	1 acre foot/year	Domestic - Minimal
17	Albert Paiso	1 acre foot/year	Domestic - Minimal
18	Mary Jane Puzey	1 acre foot/year	Domestic - Minimal
19	Warren Stoker	1 acre foot/year	Domestic - Minimal
20	Patricia Tripp	1 acre foot/year	Domestic - Minimal

21 (a) Self Help. By reason of the prescriptive cir-
22 cumstances found in Paragraph 9 hereof, said overlying rights
23 have been prescribed except to the extent of such maximum
24 annual self help by production during the prescriptive
25 period. Said right remains overlying in character, and as
26 such may only be exercised for uses on the above-described
27 overlying lands.

28 (b) Prescription Against Unused Overlying Rights. By

1 reason of said prescriptive circumstances, all unexercised
2 overlying rights have been lost and extinguished so long as
3 Warren Valley Basin remains in a state of overdraft.

4 11. Appropriative Rights. Appropriative rights to the
5 waters of Warren Valley Basin have been perfected by District and
6 Utility. By stipulation of said parties, said appropriative
7 rights shall be deemed, and are hereby decreed, to be of equal
8 priority. Said appropriative rights are exempt from prescription
9 by reason of Section 1007 of the California Civil Code. The
10 respective quantities of said rights are as follows:

11	<u>Name</u>	<u>Appropriative Right</u>
12	District	896 acre feet/year
13	Utility	726 acre feet/year

14
15 III. INJUNCTION

16 12. Injunction Against Unauthorized Production. Effective
17 July 1, 1974, each party, to whom rights to waters of Warren
18 Valley Basin have been declared and decreed herein, together with
19 its officers, agents, employees, successors and assigns, is
20 ENJOINED AND RESTRAINED from producing water therefrom for direct
21 use except pursuant to the rights herein decreed or pursuant to
22 the provisions of the Physical Solution in this Judgment.

23
24 IV. CONTINUING JURISDICTION

25 13. Jurisdiction Reserved. Full jurisdiction, power and
26 authority are retained and reserved to the Court for the purpose
27 of enabling the Court upon application of any party or of the
28 Watermaster, by motion and upon at least 30 days' notice thereof,

1 and after hearing thereon, to make such further or supplemental
2 orders or directions as may be necessary or appropriate for inter-
3 pretation, enforcement or carrying out of this Judgment, and to
4 modify, amend or amplify any of the provisions of this Judgment
5 whenever substantial changes or developments affecting the phys-
6 ical, hydrologic or other conditions dealt with herein may, in the
7 Court's opinion, justify or require such modification, amendment
8 or amplification.

9
10 V. WATERMASTER

11 14. Watermaster Appointment. Hi-Desert County Water Dis-
12 trict, acting by and through its board of directors, is hereby
13 appointed Watermaster, to administer and enforce the provisions of
14 this Judgment and any subsequent instructions or orders of the
15 Court hereunder.

16
17 VI. PHYSICAL SOLUTION

18 15. Need For Physical Solution. In order that the Court may
19 assure maximum beneficial use of the water resources of Warren
20 Valley Basin in accordance with Section 3 of Article XIV of the
21 California Constitution, it is necessary that a physical solution
22 be developed and implemented under the continuing jurisdiction
23 heretofore reserved. Said physical solution is required because:

24 (a) Safe Yield Operations Are Inappropriate. Warren
25 Valley Basin is a desert ground water basin. It has only a
26 nominal annual replenishment. To restrict production of the
27 basin to its native safe yield would frustrate all develop-
28 ment and use of its resources. The Basin contains substantial

1 supplies of ground water as a result of recharge over geo-
2 logic time. The overlying economy is dependent upon con-
3 trolled overdraft of such water in storage.

4 (b) Supplemental Water. In the ultimate development of
5 the lands overlying Warren Valley Basin, supplemental water
6 supplies will be required. To that end, the lands overlying
7 the Basin were included within Mojave Water Agency, which
8 has a contractual right to purchase supplemental water from
9 the State Water Resources System.

10 (c) Need for Funding. Supplemental water, although
11 legally available to the Basin as aforesaid, is not physi-
12 cally or economically available at present. Delivery facil-
13 ities will require extensive engineering studies, negotiations
14 with other interested agencies, and--most of all--financial
15 arrangements within the capacity of the landowners and water
16 users of Warren Valley Basin. The economy which is built
17 during the period of controlled overdraft of said basin must
18 ultimately be committed to payment of such supplemental water
19 costs.

20 16. Watermaster to Formulate Proposal. Watermaster is
21 hereby authorized and instructed to formulate and submit to the
22 Court and the parties on or before December 31, 1977, a plan and
23 program for a physical solution herein, together with appropriate
24 provisions for Watermaster administration thereof. Provided,
25 that the Court hereby finds that it is inappropriate to burden
26 minimal producers with administrative costs, report requirements
27 or assessments so long as the production of any such party is for
28 domestic use and in annual quantities of less than one acre foot

1 (325,851 U.S. gallons). The Court will then, upon notice and
2 after hearing, adopt a physical solution in the exercise of its
3 continuing jurisdiction herein.

4
5 VII. MISCELLANEOUS PROVISIONS

6 17. Service Upon and Delivery to Parties of Various Papers.

7 Service of the Judgment on those parties who have executed the
8 Stipulation for Judgment shall be made by first class United
9 States mail, postage prepaid, addressed to the designee and at the
10 address designated for that purpose in the executed and filed
11 Counterpart of the Stipulation for Judgment, or in any substitute
12 designation filed with the Court.

13 Each party who has not heretofore made such a designation
14 shall, within thirty (30) days after the Judgment shall have been
15 served upon that party, file with the Court, with proof of service
16 of a copy upon the Watermaster, a written designation of the
17 person to whom and the address at which all future notices,
18 determinations, requests, demands, objections, reports and other
19 papers and processes to be served upon that party or delivered to
20 that party are to be so served or delivered.

21 A later substitute designation filed and served in the same
22 manner by any party shall be effective from the date of filing as
23 to then future notices, determinations, requests, demands, objec-
24 tions, reports and other papers and process to be served upon or
25 delivered to that party.

26 Delivery to or service upon any party by the Watermaster, by
27 any other party, or by the Court, of any item required to be
28 served upon or delivered to a party under or pursuant to the

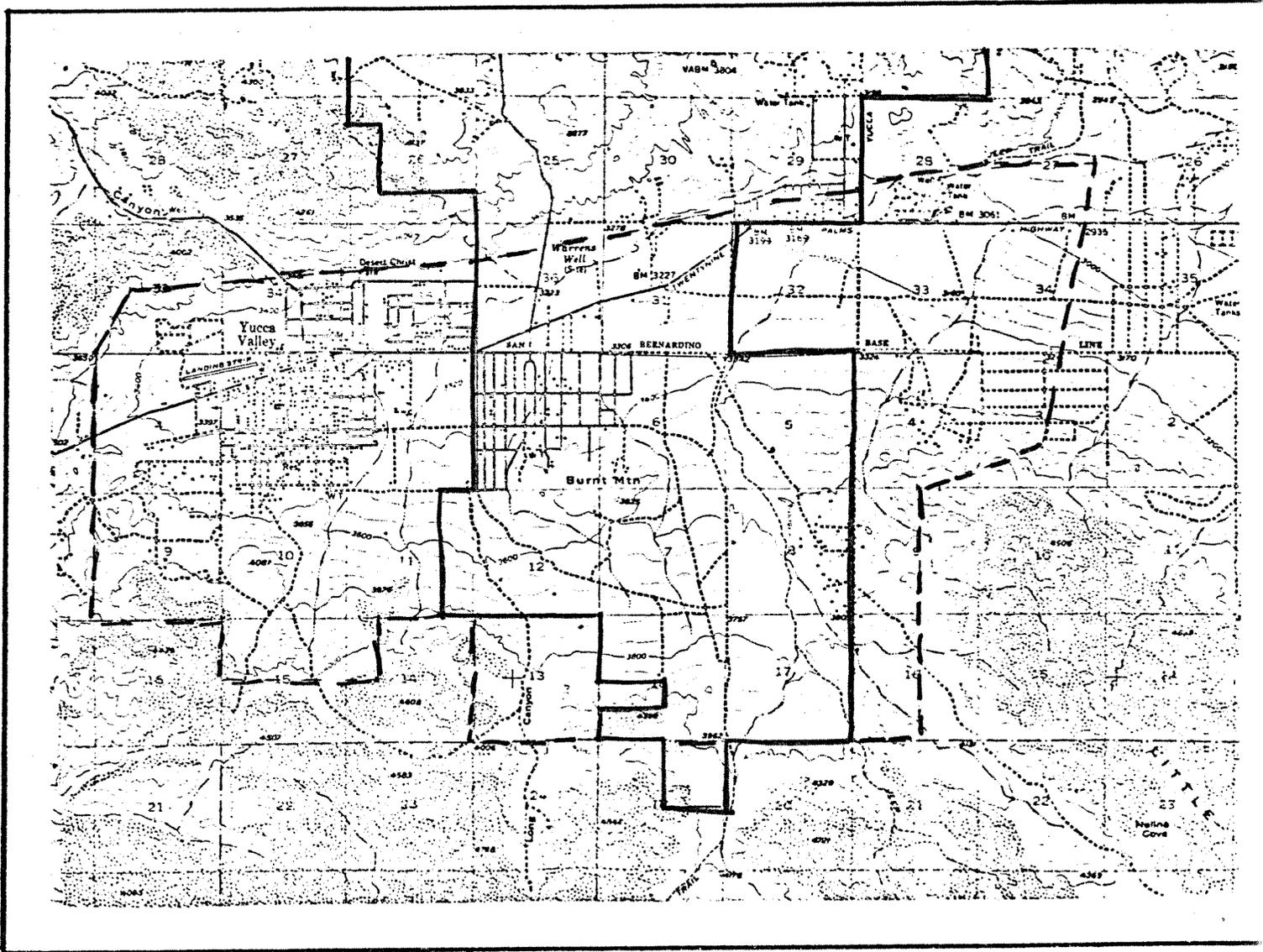
1 Judgment may be by deposit in the United States mail, first class,
2 postage prepaid, addressed to the designee and at the address in
3 the latest designation filed by that party.

4 18. Judgment Binding on Successors. This Judgment and all
5 provisions hereof are applicable to and binding upon not only the
6 parties to this action, but also upon their respective heirs,
7 executors, administrators, successors, assigns, lessees and licen-
8 sees and upon the agents, employees and attorneys in fact of all
9 such persons.

10 19. Costs. No party shall recover any costs in this pro-
11 ceeding from any other party.

12 Dated: _____, 1977.

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14 _____
15 Judge
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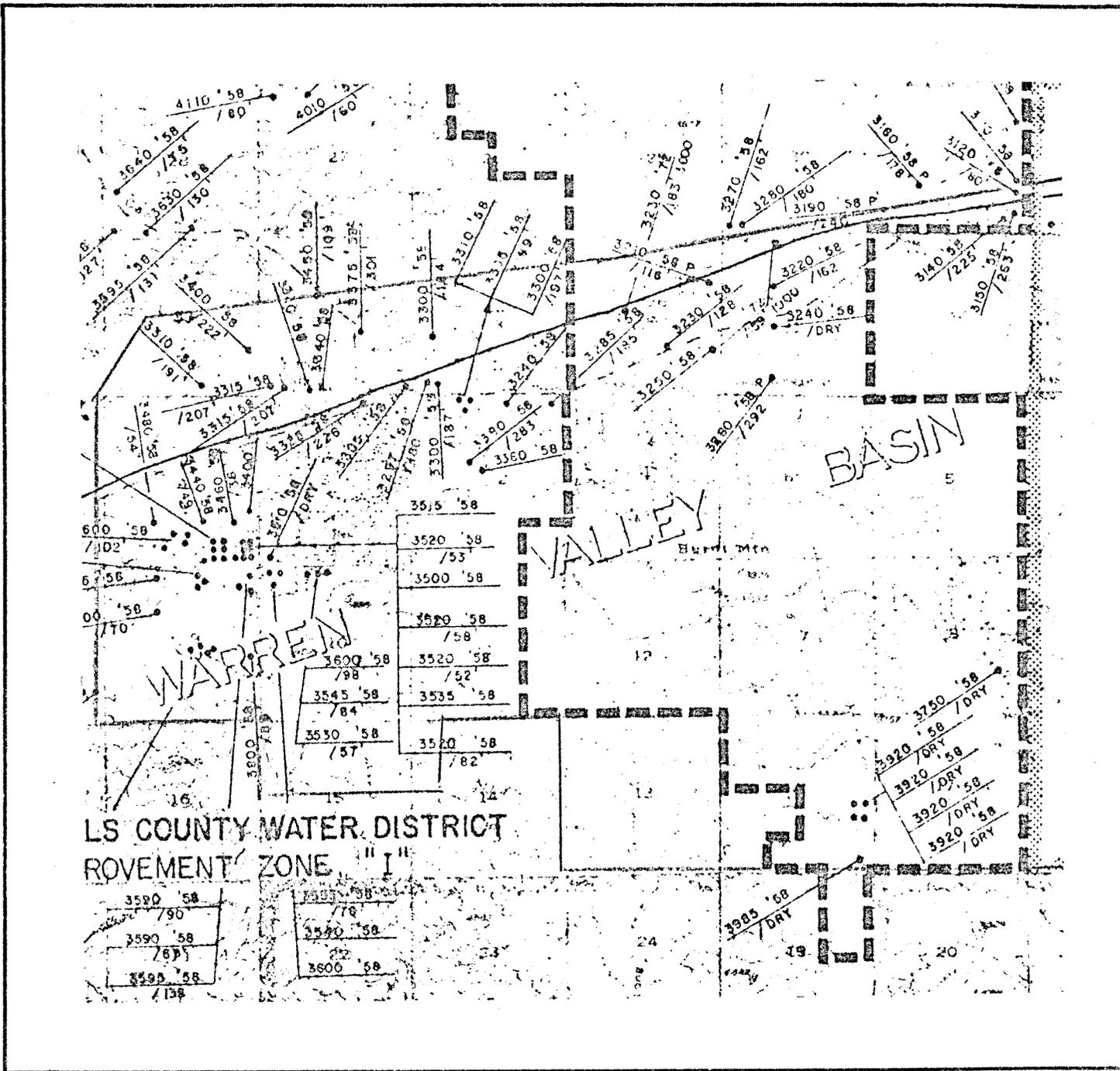
GENERAL LOCATION MAP

WARREN VALLEY BASIN

-  Basin Boundary
-  District Boundary

Hi-Desert CWD v. Yucca W Co.
 July 1, 1976

EXHIBIT "A"



WELL LOCATION MAP
 WARREN VALLEY BASIN

Hi-Desert CWD v. Yucca W. Co.

EXHIBIT "B"